

Appl. No. 10/736,271
Atty. Docket No. 9141M
Amdt. dated January 13, 2006
Reply to Office Action of September 12, 2005
Customer No. 27752

REMARKS

Claim Status

Claims 1 - 20 are pending in the present application. Per this response, claims 1-6, 8, 11-13 have been amended to further claim the hollow fibers as monocomponents fibers. Support for this amendment is provided on page 6, lines 5 and 6 of the specification. In addition, independent claims 1 and 11 have been amended specify the size of the fibers. Support for this amendment is provided on page 4, lines 33 and 34 of the specification. Claim 20 is canceled. No additional claims fee is believed to be due.

Rejection Under 35 USC §102(e) Over Johnson et al. (2003/0228813)

The Office has rejected Claims 1, 4-10, 14, 16 and 20 under 35 U.S.C. 102(e) as being anticipated by Johnson et al. (US 2003/0228813) According to the Office, Johnson et al. teaches a wiping article comprising a nonwoven substrate and a texture layer (Abstract). The nonwoven substrate may comprise synthetic fiber and natural fibers such as pulp fibers. The synthetic fibers may comprise eccentric sheath-core orientation and hollow fibers of the same configuration. (Referring to Paragraph 0018) The applied invention provided for both thermoplastic and non thermoplastic fibers with eccentric hollow cores.

Applicant respectfully traverses the Office's rejection. In order to anticipate a claim, the reference must teach every element of the claim. MPEP §2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing Verdegaal Bros. V. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Although Johnson discloses that nonwoven fabrics formed therein can comprise multicomponent fibers including eccentric and concentric sheath fibers and hollow fibers of these configurations, it does not infer that the hollow portion of such hollow configurations are nonconcentric with the outer perimeter of the fibers. Therefore, Johnson does not teach or suggest "hollow fibers wherein the perimeter of the hollow region is substantially non-concentric to the outer perimeter of the hollow fiber". Further, Johnson does not teach hollow "monocomponent" polymeric fibers. Consequently, claims 1, 4-10, 14, 16 and 20 are not anticipated by Johnson and the Office is respectfully requested to withdraw the rejection.

Rejection Under 35 USC §102(b) Over Tolliver (US 3,772,137)

Page 5 of 7

Appl. No. 10/736,271
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The Office has rejected claims 1-5,7 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Tolliver (US 3,772,137). According to the Office, Tolliver teaches a batt comprising hollow polyester filaments wherein the perimeter of the hollow region of the hollow polyester filaments may be non- circular (Abstract and Figs. 2 and 4). The perimeter of the hollow region is substantially non-concentric to the outer perimeter of the hollow polymeric fiber (Figs. 2 and 4).

Applicant respectfully traverses this rejection as well. Tolliver discloses crimped hollow polyester filaments having a round cross-section with a hole centrally located in the filament and forming a hollow core extending throughout the length of the filament. (Column 2, lines 19-24). In addition to the crimp characteristics of the hollow fibers disclosed in Tolliver, according to Column 3, lines 13-18, the denier of the fibers is also important. The fibers disclosed in Tolliver have denier values in the range of 4 to 6 denier which is about 22 to 50 micrometers in diameter. Independent claims 1 and 11 have been amended per this response to specify that the hollow fibers of the Applicant's invention are greater than about 10 micrometers in diameter and less than about 20 micrometers in diameter. Consequently, claims 1-5, 7 and 14 are not anticipated by Tolliver and the Office is respectfully requested to withdraw the rejection.

Rejection Under 35 USC §102(b) Over Kent et al (EP 860,521)

The Office has rejected claims 1-5,7, 14 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kent et al (EP 860,521). According to the Office, Kent discloses bicomponent fibers having a polyamide sheath and a core domain (Abstract). The preferred embodiment is a trilobal fiber and the applied invention teaches an elliptical void (Abstract and col. 4, lines 1-2).

Applicant respectfully traverses this rejection as well. Kent discloses hollow bicomponent filaments and not hollow monocomponent fibers having a fiber diameter of greater than or equal to about 10 micrometers and less than about 20 micrometers. Consequently, claims 1-5,7, 14 and 20 are not anticipated by Kent and the Office is respectfully requested to withdraw the rejection.

Rejections Under 35 USC §102/103

Claims 11, 15, 17-19 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Johnson et al. (US 2003/0228813). Applicants traverse the Office's rejection of the subject claims over Johnson for the same reasons provided with regards to Claims 1, 4-10, 14, 16 and 20 above.

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Claims 11-13, 15, and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tolliver (US 3,772,137). Applicants traverse the Office's rejection of the subject claims over Tolliver (US 3,772,137) for the same reasons provided with regards to claims 1-5,7 and 14 above.

Claims 11-13, 15, and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kent et al. (EP 860,521). Applicants traverse the Office's rejection of the subject claims over Kent et al. (EP 860,521) for the same reasons provided with regards to claims 1-5,7, 14 and 20 above.


Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 102 and 103. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-19 is respectfully requested.

Respectfully submitted,

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